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INTELLECTUAL PROPERTY LAW
PATENTS, TRADEMARKS AND COPYRIGHTS

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CHI SUK KIM

OF COUNSEL
ARTHUR S. MORGENSTERN

JOSEPH WEINGARTEN
(1919-1984)

RECEIVED**09 OCT 2002**

Legal Staff
International Division

FACSIMILE COVER SHEET

DATE: October 9, 2002

TO: PCT Legal Office

Fax No.: (703) 308-6459

FROM: Charles L. Gagnebin III

No. of pages transmitted
(including this page) **35**

Our File: AK-284XX

Time:

Your Ref: Appl. No. 09/341,339
Filed: August 30, 1999

Sent by: Mary Ellen Shea

A confirmation copy of this transmission will not be mailed unless
the following is checked: []

MESSAGE

Enclosed cover Letter re Petition to Revive Unintentionally
Abandoned application under 37 C.F.R. §1.137(b) together with
the documents listed.

The Commissioner is hereby authorized to Charge Deposit
Account No. 23-0804 for any additional filing fees associated
with this communication or credit any overpayment.

Attorney for Applicant: Charles L. Gagnebin III
Registration No. 25,467

THIS MESSAGE MAY CONTAIN CONFIDENTIAL OR PRIVILEGED INFORMATION INTENDED ONLY FOR THE
PERSON(S) IDENTIFIED ABOVE. IF IT HAS BEEN RECEIVED AT ANY OTHER PLACE OR HAS NOT BEEN
CLEARLY RECEIVED, PLEASE CALL THE ABOVE IDENTIFIED SENDING PARTY COLLECT FOR
INSTRUCTIONS. DO NOT SHOW OR DISTRIBUTE THIS MESSAGE TO ANYONE OTHER THAN THE INTENDED
RECIPIENT(S). THANK YOU.

PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : Tadashi Aiura et al.
Application No. : 09/341,339
Filed : August 30, 1999
For : METHOD AND APPARATUS FOR POLISHING INNER
SURFACE OF CYLINDRICAL PORTION OF
ELONGATED CYLINDRICAL WORK AND ELONGATED
CYLINDRICAL WORK
Attorney's Docket : AK-284XX

I hereby certify that this correspondence is being facsimile
transmitted to PCT Legal Office (703-308-6459) on 10-9-2.

By: Charles L. Gagnebin III
Charles L. Gagnebin III
Registration No. 25,467
Attorney for Applicant(s)

LETTER RE PETITION TO REVIVE
UNINTENTIONALLY ABANDONED APPLICATION
UNDER 37 C.F.R. § 1.137(b)

PCT Legal Office
Commissioner for Patents
Washington, D.C. 20231

Sir:

In support of this Petition to Revive, enclosed are copies of
the documents which were submitted on April 22, 2002 and April 12,
2002 to the Commissioner for Patents to revive. Our docket review
has shown no action has yet been taken by the U.S. Patent and
Trademark Office.

Supplement to Petition to Review Unintentionally Abandoned
Application under 37 C.F.R. § 1.137(b) and Terminal Disclaimer;

Petition to Revive Unintentionally Abandoned Application
under 37 C.F.R. § 1.137(b), signed declaration of the inventors,
declaration of Mary Ellen Shea, declaration of Bette J. Bernard,
and declaration of Constance C. Gagnebin, together with petition
fee of \$1,280.00;

Application No. 09/341,339

Filed: August 30, 1999

Letter re Translation Error in Inventor's Name with attached
Decision on Request;

Declaration of Tadashi Aiura;

Declaration of Takahiro Hashimoto; and

copies of date-stamped postcards indicating receipt by the
U.S. Patent and Trademark Office on April 22, and 30, 2002.

It appears our check in the amount of \$1,280.00 was cashed
yet we have had no response from the Patent Office.

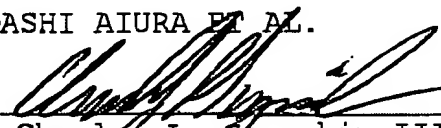
These documents should have effected revival upon the April
22, 2002 submission, but the U.S. Patent and Trademark office is
unable to locate them.

The Commissioner is hereby authorized to charge Deposit
Account No. 23-0804 for any additional filing fees associated with
this communication or credit any overpayment.

Please contact the undersigned with any questions or other
matters regarding these documents or this application. Revival is
requested.

Respectfully submitted,

TADASHI AIURA ET AL.

By: 
Charles L. Gagnebin III
Registration No. 25,467
Attorney for Applicant(s)

WEINGARTEN, SCHURGIN,
GAGNEBIN & LEBOVICI LLP
Ten Post Office Square
Boston, MA 02109
Telephone: (617) 542-2290
Telecopier: (617) 451-0313

CLG:mes/280460-1
Enclosures

PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : Tadashi Aiura et al.
Application No. : 09/341,339
Filed : August 30, 1999
For : METHOD AND APPARATUS FOR POLISHING INNER
SURFACE OF CYLINDRICAL PORTION OF
ELONGATED CYLINDRICAL WORK AND ELONGATED
CYLINDRICAL WORK
Attorney's Docket : AK-284XX

I hereby certify that this correspondence is being deposited with
the United States Postal Service as first class mail in an
envelope addressed to: Commissioner for Patents, Washington, D.C.
20231 on 4-22-2.

By: 

Charles L. Gagnebin III
Registration No. 25,467
Attorney for Applicant(s)

SUPPLEMENT TO PETITION TO REVIVE
UNINTENTIONALLY ABANDONED APPLICATION
UNDER 37 C.F.R. § 1.137(b)

Commissioner for Patents
Washington, D.C. 20231

Sir:

Enclosed herewith is the Terminal Disclaimer which completes
the filing of the papers previously submitted on April 12, 2002 to
effect revival of the above-identified application. While it is
not seen that this disclaimer is necessary, it is filed for
completeness with the request that it be stricken if it is
determined to be unnecessary.

Application No. 09/341,339

Filed: August 30, 1999

The Commissioner is hereby authorized to charge Deposit Account No. 23-0804 for any additional filing fees associated with this communication or credit any overpayment.

Please contact the undersigned with any questions or other matters regarding this Petition or this application. Revival is requested.

Respectfully submitted,

TADASHI AIURA ET AL.

By: 

Charles L. Gagnebin III

Registration No. 25,467

Attorney for Applicant(s)

WEINGARTEN, SCHURGIN,
GAGNEBIN & LEBOVICI LLP

Ten Post Office Square
Boston, MA 02109
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CLG:mes/271282-1

Enclosure

803 3475 0965

AXINOTO & CO.
WSGL

02/04/22 13:38 P.002/003

04/12/2002 16:08 FAX 16174510313


PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : Tadashi Aiura et al.
 Application No. : 09/341,339
 Filed : August 30, 1999
 For : METHOD AND APPARATUS FOR POLISHING
 INNER SURFACE OF CYLINDRICAL PORTION OF
 ELONGATED CYLINDRICAL WORK AND
 ELONGATED CYLINDRICAL WORK
 Attorney's Docket : AK-284XX

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By:


 Charles L. Gagnebin III
 Registration No. 25,467
 Attorney for Applicant(s)

TERMINAL DISCLAIMER

Commissioner for Patents
 Washington, D.C. 20231

Sir:

The owner, Nissin Unyu Kogyo Co., Ltd., through its below
 signing representative, represents that it is the owner of record
 by assignment dated September 18, 1999, and recorded in the U.S.
 Patent and Trademark Office at Reel 010289, Frame 0156, of one
 hundred percent (100%) interest in U.S. Patent Application
 No. 09/341,339, filed on October 4, 1999, for METHOD AND
 APPARATUS FOR POLISHING INNER SURFACE OF CYLINDRICAL PORTION OF

- 1 -

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AKINOTO & CO.

02/04/22 13:39 P.003/003

04/12/2002 16:07 FAX 16174510313

WSGL

Application No. 09/341,339
Filed: August 30, 1999

ELONGATED CYLINDRICAL WORK AND ELONGATED CYLINDRICAL WORK. The owner hereby disclaims the terminal part of any patent granted on the above-identified application by an amount of time equivalent to the period of abandonment.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

[] The undersigned is an attorney of record.

Respectfully submitted,

NISSIN UNYU KOGYO CO., LTD.

By:

Takahiro Hashimoto
Its

[X] Terminal disclaimer fee under 37 C.F.R. § 1.20(d) is included.

270808-1

PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : Tadashi Aiura et al.
Application No. : 09/341,339
Filed : August 30, 1999
For : METHOD AND APPARATUS FOR POLISHING INNER
SURFACE OF CYLINDRICAL PORTION OF
ELONGATED CYLINDRICAL WORK AND ELONGATED
CYLINDRICAL WORK
Attorney's Docket : AK-284XX

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20231 on 4-12-2.

By: 

Charles L. Gagnebin III
Registration No. 25,467
Attorney for Applicant(s)

PETITION TO REVIVE
UNINTENTIONALLY ABANDONED APPLICATION
UNDER 37 C.F.R. § 1.137(b)

Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicant hereby petitions to revive the above-identified
abandoned application under 37 C.F.R. § 1.137(a) or in the
alternative § 1.137(b).

This application was filed on July 8, 1999. A signed
Declaration was filed August 30, 1999, with a request for a
correction to a transliterations error in one inventor's name.

Application No. 09/341,339
Filed: August 30, 1999

The Patent and Trademark Office in an action of November 4, 1999 dismissed the requested correction without setting any response time. At that time, the filing requirements were deemed satisfied as all elements from the notice of July 30, 1999 were addressed.

The entire delay in filing the explanation for the name error from the due date of completing the application of November 11, 1999 until the filing of this petition was unintentional and unavoidable.

It is additionally asserted that the dismissal of the name correction was incorrectly used to create a failure to complete the filing requirements.

It was discovered on March 19, 2002, that no action has been received on this application and we were unaware that the application was abandoned until a telephone call was made to the PCT Help Desk on March 19, 2002. The Decision on Request of November 4, 1999 from the U.S. Patent and Trademark Office did not indicate that the Declaration filed on August 30, 1999 was defective and the Decision did not give a response time to refile the appropriate Petition to Change Name nor did it indicate that the filing requirements had not been met. It was believed that the requirements of 35 U.S.C. 371 in filing the Declaration with the correct name and our letter explaining the translation error on August 30, 1999 was adequate to complete the filing. We did not docket a firm date to file the Petition to Change Name as we planned to correct this clerical issue during the prosecution of the case. This application was not picked up by our status check procedures since at the time we were in the process of changing our status check procedures from a manual to automatic system and this case fell into an unanticipated area of procedures where the manual and automatic systems failed to overlap.

Application No. 09/341,339
Filed: August 30, 1999

We have received and enclose signed explanations from the inventor and the translator regarding the English translation (transliteration) of the inventor's first name, explaining the problem as clearly a translation error. The inventor, Tadashi Aiura, was not concerned with the English transliterated spelling of his name throughout the prosecution in Japan because the documents are in Japanese Hiragana and Chinese characters. He became aware of the misspelling when signing the Declaration for the U.S. national phase of PCT/JP98/04494.

Enclosed are the following declarations:

Declaration of Mary Ellen Shea, Declaration of Bette J. Bernard and Declaration of Constance C. Gagnebin, demonstrating the unexpected lapse in the status check coverage are enclosed.

A Terminal Disclaimer is being executed and will be submitted as soon as possible; the declaration and power of attorney with the correct transliteral characters was sent in previously on August 30, 1999, and attached as Exhibit A.

The petition fee of \$1280.00 pursuant to 37 C.F.R. § 1.17(m) is submitted herewith. The Commissioner is hereby authorized to charge Deposit Account No. 23-0804 for any additional filing fees associated with this communication or credit any overpayment.

Application No. 09/341,339
Filed: August 30, 1999

Please contact the undersigned with any questions or other matters regarding this Petition or this application. Revival is requested.

Respectfully submitted,

TADASHI AIURA ET AL.

By: 

Charles V. Gagnebin III
Registration No. 25,467
Attorney for Applicant(s)

WEINGARTEN, SCHURGIN,
GAGNEBIN & LEBOVICI LLP

Ten Post Office Square
Boston, MA 02109
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Telecopier: (617) 451-0313

CLG:mes/269342-1
Enclosures

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AKIKU & CO.

33/00/00 10.00 1.000.000

9/97 FORM 11

Sheet 1 of 4

Attorney Docket No.: AK-284XX

DECLARATION AND POWER OF ATTORNEY

Exhibit A

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name:

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: METHOD AND APPARATUS FOR POLISHING INTERNAL SURFACE OF LONG SIZED CYLINDRICAL WORKPIECES AND LONG SIZED CYLINDRICAL WORKPIECES

the specification of which (check one):

☐ is attached hereto. ☒ was filed July 8, 1999s Application No. 09/341,339 amended on _____ (if applicable).

☒ was filed as PCT International Application No. PCT/JP98/04494 on 05 October 1998, and was amended under PCT Article 19 on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations 1.56(a).

I hereby claim foreign priority benefits under Title 35, USC §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application(s)</u>	<u>Date Filed</u>	<u>Priority Claimed</u>	
<u>9-325215</u> (Number)	<u>10 November 1997</u> (Day/Month/Year)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<u>Japan</u> (Country)		<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____ (Number)	_____ (Day/Month/Year)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____ (Country)			

I hereby claim the benefit under Title 35, USC §119(e) of any United State provisional application(s) listed below:

_____ (Application Number)	_____ (Filing Date)
_____ (Application Number)	_____ (Filing Date)
_____ (Application Number)	_____ (Filing Date)
_____ (Application Number)	_____ (Filing Date)

Express Mail Number

5172111 338205

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AKIMOTO & CO.

98/06/30 10:34 1.003/000

09/97 FORM 11

S 2 of 4

Attorney
Docket No.: AK-28X4XX

I hereby claim the benefit under Title 35 USC §120 of any United States application(s) listed below and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35 USC §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application No.)	(Filing Date)	(Patented/pending/abandoned)
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(Application No.)	(Filing Date)	(Patented/pending/abandoned)
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(Application No.)	(Filing Date)	(Patented/pending/abandoned)
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POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) to prosecute this application and transact all business connected therewith in the Patent and Trademark Office, and to file with the USPO any International Application based thereon.

Stanley M. Schurgin, Reg. No. 20,979
Charles L. Gagnebin III, Reg. No. 25,467
Paul J. Hayes, Reg. No. 28,307
Victor B. Lebovici, Reg. No. 30,864

Eugene A. Peher, Reg. No. 33,171
Beverly E. Hjorth, Reg. No. 32,033
Holliday C. Heine, Reg. No. 34,346
Gordon R. Moriarty, Reg. No. 38,973

Address all correspondence to:

WEINGARTEN, SCHURGIN, GAGNEBIN & HAYES LLP
Ten Post Office Square
Boston, Massachusetts 02109
Telephone: (617) 542-2290
Telecopier: (617) 451-0313

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole/First Inventor: Tadashi Aiura		
City of Residence Shimonoseki-shi, Yamaguchi-ken 752-0953	State or Country Japan	Country of Citizenship Japan
Post Office Address c/o Chofu Seizosho, Kobe Steel, Ltd., 14-1, Chofuminato-machi	City Shimonoseki-shi, Yamaguchi-ken, 752-0953	State or Country Zip Code Japan
Signature: (Please sign and date in permanent ink.) X Tadashi Aiura		Date signed: X August 28, 1999

BUS 3415 US00

BRINUIU & CO.

08/00/00 10.00 1.000.000

09/97 FORM 11

5 3 of 4

Attorney
Docket No.: AK-284XX

Full Name of <u>Second</u> Joint Inventor: Katsuhiko Inoue		
City of Residence Shimonoseki-shi Yamaguchi-ken 752-0953	State or Country Japan	Country of Citizenship Japan
Post Office Address c/o Chofu Seizosha, Kobe Steel, Ltd., 14-1, Chofuminato-machi	City Shimonoseki-shi, Yamaguchi-ken. 752-0953	State or Country Zip Code Japan
Signature: (Please sign and date in permanent ink.) X Katsuhiko Inoue		Date signed: X August 28, 1999

Full Name of <u>Third</u> Joint Inventor: Toshihiko Sasaki		
City of Residence Shimonoseki-shi Yamaguchi-ken 752-0953	State or Country Japan	Country of Citizenship Japan
Post Office Address c/o Chofu Seizosha, Kobe Steel, Ltd., 14-1, Chofuminato-machi	City Shimonoseki-shi, Yamaguchi-ken. 752-0953	State or Country Zip Code Japan
Signature: (Please sign and date in permanent ink.) X Toshihiko Sasaki		Date signed: X August 28, 1999

Full Name of <u>Fourth</u> Joint Inventor: Kazuo Akagi		
City of Residence Shimonoseki-shi Yamaguchi-ken 752-0953	State or Country Japan	Country of Citizenship Japan
Post Office Address c/o Missin Unyu Kogyo ECo., Ltd., 14-1, Chofuminato-machi	City Shimonoseki-shi, Yamaguchi-ken. 752-0953	State or Country Zip Code Japan
Signature: (Please sign and date in permanent ink.) X Kazuo Akagi		Date signed: X August 28, 1999

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AKIKUIC & CO.

89/06/30 13.33 1.000/000

02/97 FORM 11

82 4 of 4

Attorney
Docket No.: AK-284XX

Full Name of <u>Fifth</u> Joint Inventor: <u>Koji Takahashi</u>		
City of Residence <u>Shimonoseki-shi</u> <u>Yamaguchi-ken, 752-0953</u>	State or Country <u>Japan</u>	Country of Citizenship <u>Japan</u>
Post Office Address <u>c/No Nissin Unyu Kogyo Co.,</u> <u>Ltd., 14-1, Chofuminato-machi</u>	City <u>Shimonoseki-shi,</u> <u>Yamaguchi-ken 752-0953</u>	State or Country Zip Code <u>Japan</u>
Signature: (Please sign and date in permanent ink.) <u>X Koji Takahashi</u>		Date signed: <u>X August 28, 1999</u>

Full Name of _____ Joint Inventor:		
City of Residence	State or Country	Country of Citizenship
Post Office Address	City	State or Country Zip Code
Signature: (Please sign and date in permanent ink.) <u>X</u>		Date signed: <u>X</u>

Full Name of _____ Joint Inventor:		
City of Residence	State or Country	Country of Citizenship
Post Office Address	City	State or Country Zip Code
Signature: (Please sign and date in permanent ink.) <u>X</u>		Date signed: <u>X</u>

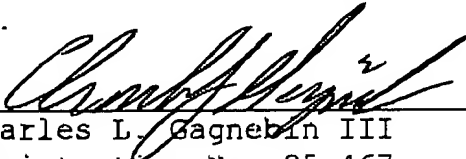
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : Tadashi Aiura et al.
 Application No. : 09/341,339
 Filed : August 30, 1999
 For : METHOD AND APPARATUS FOR POLISHING
 INNER SURFACE OF CYLINDRICAL PORTION OF
 ELONGATED CYLINDRICAL WORK AND
 ELONGATED CYLINDRICAL WORK
 Attorney's Docket : AK-284XX

I hereby certify that this correspondence is being deposited with
 the United States Postal Service as first class mail in an
 envelope addressed to: Commissioner for Patents, Washington, D.C.
 20231 on 4-12-2

By


 Charles L. Gagnebin III
 Registration No. 25,467
 Attorney for Applicant(s)

DECLARATION OF BETTE J. BERNARD

Commissioner for Patents
 Washington, D.C. 20231

Sir:

I, Bette J. Bernard, declare and state:

I am the Docketing Paralegal for Weingarten, Schurgin,
 Gagnebin & Lebovici LLP and have been for many years. My duties
 include entering the incoming mail and docketing into our
 database. On November 8, 1999 we received a decision on Request
 for Correction of Inventor's Name from the Patent Office which
 indicated our Petition had been "dismissed". Since there was no

Application No. 09/341,339
Filed: August 30, 1999

mention of a time given to respond or that the dismissal had any effect on the standing of the application, I docketed a one month date of December 4, 1999 (Exhibit A) for a Petition to Request Change of Name of Inventor as a set date meaning that it is only an advisory and not an indication of required action. When this date came due on our docket, I so informed the Paralegal in charge of the case, Mary Ellen Shea.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

By: Bette J. Bernard
Bette J. Bernard

Date: 4/12/2002

CLG:mes/269477

Exhibit A

Data Entry Output Leave

[] DATA INPUT [↑]
Date Rcvd/Sent: 11/08/99 (I/O) : I Maint/Annuity/Renewal (M/A/R/S/_):
From : PATENT OFFICE To : WSGH
AK P 284 X X
Client Code P/T/C/O D.No. RCC CC

DECISION ON REQUEST FOR CORRECTION OF INVENTOR'S NAME (DISMISSED)

Description of Document Sent or Received

Run from Date : Completed : 1/01/1

Compl. Desc. :

PETITION TO REQUEST CHANGE OF NAME OF INVENTOR (S/N 09/341,339)

Description of Docketable Event

Docket Date	Date Description (i.e. 3 MO DATE; 30 DAYS; PRIORITY)
1) 12/04/99	SOFT DATE
2)	
3)	
4)	
5)	

Partner : CLG 2nd Attorney :

13 of 20


PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : Tadashi Aiura et al.
 Application No. : 09/341,339
 Filed : August 30, 1999
 For : METHOD AND APPARATUS FOR POLISHING
 INNER SURFACE OF CYLINDRICAL PORTION OF
 ELONGATED CYLINDRICAL WORK AND
 ELONGATED CYLINDRICAL WORK
 Attorney's Docket : AK-284XX

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 envelope addressed to: Commissioner for Patents, Washington, D.C.
 20231 on 4-18-2.

By


 Charles L. Gagnebin III
 Registration No. 25,467
 Attorney for Applicant(s)

DECLARATION OF MARY ELLEN SHEA

Commissioner for Patents
 Washington, D.C. 20231

Sir:

I, the below-signing Mary Ellen Shea, declare and state:

I am employed at Weingarten, Schurgin, Gagnebin & Lebovici
 LLP and my title is Paralegal for U.S. filing of foreign
 applications. My duties include preparing the paperwork to file
 patent applications in the United States received from our foreign
 associates.

Application No. 09/341,339

Filed: August 30, 1999

We received instructions from our Japanese associate on July 7, 1999, to enter the U.S. National Phase of PCT/JP98/04494 on or before July 10, 1999, without the signed declaration. At that time we were given the English translation of the first inventor as "Sunao Aiura". We filed the English translation of the PCT application on July 8, 1999, without the signed declaration and with the spelling of the first inventor as "Sunao Aiura". We sent a declaration to the associate on July 13, 1999, requesting them to have the declaration signed and returned to us for filing. On August 4, 1999, we sent a copy of the Notification of Missing Requirements to the associate and indicated that the signed declaration was due August 30, 1999, and then sent a reminder on August 27, 1999. On August 30, 1999, we received by fax the signed declaration with a cover letter with the following explanation:

"However, during the prosecution, the first inventor has found his name in wrong spelling in Roman character, i.e., 'Sunao Aiura'. The correct spelling of the name of the first inventor is 'Tadashi Aiura', not 'Sunao Aiura'. Maybe the error arise due to the misunderstanding of the person in charge, who is the employee of the applicant's company, at the filing of the basic PCT application."

On August 30, 1999, we filed the signed declaration with the correct spelling of "Tadashi Aiura" by Express Mail with a

Application No. 09/341,339
Filed: August 30, 1999

transmittal letter, fee for filing a late declaration and a letter signed by Charles L. Gagnebin III, partner in this firm in charge of foreign matters, indicating the error in translating the inventor's name (Exhibit A).

On November 8, 1999, we received a Decision on Request from the U.S. Patent and Trademark Office (Exhibit B). Since the Decision On Request did not indicate that the oath was defective and did not indicate a due date for the Petition to Request a Change of the Name, we felt we had met the requirements of 35 U.S.C. 371 and docketed a soft date of December 4, 1999, to obtain further information to file the Petition to Request a Name Change at a later date during the prosecution of the application. We were prepared to correct this translation problem during the prosecution of the case since no time was given by the Patent Office to respond. During this time, our office was undergoing a change in our follow-up procedure and this case fell into an interim time period that was later discovered to not be receiving status checks.

As a result, our Docketing Consultant only brought this case to my attention on March 19, 2002 and in reviewing our file, I noted we had not received the PCT Acceptance or Filing Receipt. I

Application No. 09/341,339

Filed: August 30, 1999

called the PCT Help Desk to determine the status of this case. I was told that the case was abandoned. We never received a Notice of Abandonment and never knew this case was abandoned. We believed we had met the 35 U.S.C. 371 requirements by filing the correct signed declaration.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

By: Mary Ellen Shea
Mary Ellen SheaDate: April 12, 2002

CLG:mes/269484-1

Apr 12 02 03:50p

P.2

04/12/2002 15:41 FAX 181745103

WSGL

002

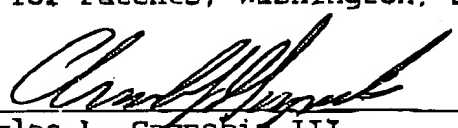
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : Tadashi Aiura et al.
Application No. : 09/341,339
Filed : August 30, 1999
For : METHOD AND APPARATUS FOR POLISHING
INNER SURFACE OF CYLINDRICAL PORTION OF
ELONGATED CYLINDRICAL WORK AND
ELONGATED CYLINDRICAL WORK
Attorney's Docket : AK-284XX

I hereby certify that this correspondence is being deposited with
the United States Postal Service as first class mail in an
envelope addressed to: Commissioner for Patents, Washington, D.C.
20231 on 4-12-2.

By


Charles L. Gagnebin III
Registration No. 25,467
Attorney for Applicant(s)

DECLARATION OF CONSTANCE C. GAGNEBIN

Commissioner for Patents
Washington, D.C. 20231

Sir:

I, the below-signing Constance C. Gagnebin, declare and
state:

I am employed at Weingarten, Schurgin, Gagnebin & Lebovitz
LLP and my title is Docketing Consultant.

I have been checking the dockets since 1982 by manually
checking each docket and confirming correct docketing of docket
dates as well as filing receipts, Information Disclosure

Apr 12 02 03:50p

P. 3

04/12/2002 15:41 FAX 16174510313

WSGL

0003

Application No. 09/341,339

Filed: August 30, 1999

Statements, convention letters and other matters were timely attended to and that status inquiries were made on all cases with no action for more than six months.

In the summer of 2000, I switched from a manual to an electronic system which included entering status inquiry dates as follows:

- when a new application was filed - eighteen months;

- when a filing receipt was received - confirm that a status inquiry was docketed; and

- when an amendment, response or request for continued examination was filed - six months.

Information Disclosure Statements and convention dates were docketed with filing of applications.

Electronic check for filing receipts are periodically made.

This application was filed before the change from manual to electronic so its filing date was not entered into the electronic system to trigger a status inquiry in six months. Had this manual check been retained, this case would have been found manually. Since this case did not receive a filing receipt a status inquiry was not entered for that event either. This case was thus not accessible to the electronic status call-up system.

Apr 12 02 03:50p

P. 4

04/12/2002 15:42 FAX 161745103 WSGL

0004

Application No. 09/341,339
Filed: August 30, 1999

I have since been instructed to review all cases that might have been lost in the process and have done so.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

By: Constance C. Gagnebin
Constance C. Gagnebin

Date: April 12, 2002

CLG:mes/269480-1

Exhibit A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : Tadashi Aiura, et al
 Application No. : 09/314,339
 Deposit Date : July 8, 1999
 Internat'l No. : PCT/JP98/04494
 Internat'l Filing : October 5, 1998
 For : METHOD AND APPARATUS FOR POLISHING
 INTERNAL SURFACE OF LONG SIZED
 CYLINDRICAL WORKPIECES AND LONG SIZED
 CYLINDRICAL WORKPIECES
 Attorney's Docket : AK-284XX

Group Art Unit:

 I hereby certify that this correspondence is being deposited with
 the United States Postal Service as first class mail in an
 envelope addressed to: BOX PCT, Assistant Commissioner for
 Patents, Washington, D.C. 20231 on _____

By: _____

Charles L. Gagnebin III
 Registration No. 25,467
 Attorney for Applicants

LETTER RE TRANSLATION ERROR IN INVENTOR'S NAME

BOX PCT
 Assistant Commissioner for Patents
 Washington, D.C. 20231

Sir:

The enclosed Declaration includes a correction in the
 spelling of inventor Aiura's first name. It was originally
 translated into the English characters "Sunao" but should have
 been translated to the English characters "Tadashi". This is not
 a change in inventorship. It is noted the address on the
 declaration is the same as the address on the enclosed copy of the
 PCT Gazette.

Application No. 09/341,339
Deposit Date: July 8, 1999
Group Art Unit:

R E M A R K S

The Examiner is encouraged to telephone the undersigned attorney to discuss any matter which would expedite allowance of the present application.

Respectfully submitted,

TADASHI AIURA, ET AL

By: 

Charles L. Gagnebin III
Registration No. 25,467
Attorney for Applicants

WEINGARTEN, SCHURGIN,
GAGNEBIN & HAYES LLP
Ten Post Office Square
Boston, Massachusetts 02109

Telephone: (617) 542-2290
Telecopier: (617) 451-0313

Date: 8-30-99

CLG:mes/210717



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Patent Cooperation Treaty
Legal Office

Exhibit B

Address: Assistant Commissioner for Patents
Box PCT
Washington, D.C. 20231

NOV 4 1999

AK-284XX

WEINGARTEN, SCHURGIN, GAGNEBIN & HAYES LLP
Ten Post Office Square
Boston, MA 02109

RECEIVED
By [Signature]
NOV 08 1999
WEINGARTEN, SCHURGIN,
GAGNEBIN & HAYES

In re Application of	:	
AUIRA et al.	:	
Application No.: 09/341,339	:	DECISION
PCT No.: PCT/JP98/04494	:	
Int. Filing Date: 05 October 1998	:	ON
Priority Date: 10 November 1997	:	
For: METHOD AND APPARATUS FOR POLISHING	:	REQUEST
INNER SURFACE OF CYLINDRICAL PORTION OF	:	
ELONGATED CYLINDRICAL WORK AND	:	
ELONGATED CYLINDRICAL WORK	:	

This is a decision on the request regarding the correction of an inventor's name filed 30 August 1999, notifying the Office that the correct spelling of one of the applicants' names is as follows: TADASHI AIURA rather than SUNAO AIURA, as is indicated in the international application.

On 08 July 1998, within 20 months from the priority date of the international application, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the requisite basic national fee; a surcharge fee for the filing of the oath/declaration later than twenty months from the priority date; and a translation of the international application into English.

On 30 August 1999, applicants filed a combined declaration and power of attorney executed by the named inventors and the present communication, explaining that the first name of one of the named inventors was misspelled in the international application.

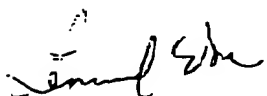
As indicated in Section 201.03 of the Manual of Patent Examining Procedure, where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition under 37 CFR 1.48(a) is not required. However, in the instant application, applicants do not give an acceptable explanation of the difference in the spelling of the fifth named inventor's name. No explanation is given as to why the inventor did not note the incorrect translation of his first name in the published international application. It would appear that the

Application No.: 08/612,841

-2-

error is neither a typographical nor transliteration error. A petition to request a change of the name of the fifth named inventor is required with the appropriate petition fee under 37 CFR 1.17(h).

For the reasons above, the petition is DISMISSED.



Leonard E. Smith
Legal Examiner
PCT Legal Office

CMK/LES:cmk

Telephone: (703) 306-5467

Facsimile: (703) 308-6459



Cynthia M. Kratz
Petitions Attorney
PCT Legal Office

Sept date
12/4/99

003 3475 0965

AKINOTO & CO.

02/04/05 13:56 P.002/006

03/20/2002 14:38 FAX 1617451031

WSGL

0003

PATENT


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : Tadashi Aiura et al.
 Application No. : 09/341,339
 Filed : August 30, 1999
 For : METHOD AND APPARATUS FOR POLISHING
 INNER SURFACE OF CYLINDRICAL PORTION OF
 ELONGATED CYLINDRICAL WORK AND
 ELONGATED CYLINDRICAL WORK
 Examiner :
 Attorney's Docket : AK-284XX

Group Art Unit:

 I hereby certify that this correspondence is being deposited with
 the United States Postal Service as first class mail in an
 envelope addressed to: Commissioner for Patents, Washington, D.C.
 20231 on 4-12-2.

By


 Charles L. Gagnon III
 Registration No. 25,467
 Attorney for Applicant(s)

DECLARATION OF TADASHI AIURA

Commissioner for Patents
 Washington, D.C. 20231

Sir:

I, the below-signing Tadashi Aiura, declare and state:

I am one of the inventors of U.S. Application No. 09/341,339,
 which is the U.S. national phase of PCT/JP98/04494, and I
 discovered the mis-translated spelling of my name, "Sunao Aiura"
 at the time I signed the U.S. declaration to enter the national
 phase.

003 3475 0965

AKIMOTO & CO.

02/04/05 13:57 P.003/006

03/20/2002 14:38 FAX 161745103

WSGL

0004

Application No. 09/341,339

Filed: August 30, 1999

Group Art Unit:

During the prosecution of the PCT in Japan, the documents are written in Japanese Hiragana and Chinese characters. The inventor, after completing the specification, is not required to execute any documentation in English on which he would notice the mis-translated spelling of his name until entering the national phase.

I declare I am a true inventor of the above-identified application, and I did not confirm the English spelling of my name during the PCT prosecution until entering the U.S. national phase, because in the United States the inventor is the applicant, while in Japan, the applicant is the company.

003 3475 0965

AKIMOTO & CO.

2002年 4月 5日 12時19分

新藤 誠

02/04/05 13:57 P.004/006
NO. 4962 | P. 2

Application No. 09/341,339

Filed: August 30, 1999

Group Art Unit:

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

By: Tadashi Aiura
Tadashi AiuraDate: APR. 5, 2002

CLC:mes/223326

03 3475 0965

AKIMOTO & CO.

02/04/05 13:57 P.005/006

03/20/2002 14:38 FAX 18174510313

WSGL

006

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE


In re application : Tadashi Aiura et al.
 Application No. : 09/341,339
 Filed : August 30, 1999
 For : METHOD AND APPARATUS FOR POLISHING
 INNER SURFACE OF CYLINDRICAL PORTION OF
 ELONGATED CYLINDRICAL WORK AND
 ELONGATED CYLINDRICAL WORK

Examiner :
 Attorney's Docket : AK-284XX

Group Art Unit:

 I hereby certify that this correspondence is being deposited with
 the United States Postal Service as first class mail in an
 envelope addressed to: Commissioner for Patents, Washington, D.C.
 20231 on 11-18-2

By


 Charles L. Bagnabin III
 Registration No. 25,467
 Attorney for Applicant(s)

DECLARATION OF TAKAHIRO HASHIMOTO

Commissioner for Patents
 Washington, D.C. 20231

Sir:

I, the below-signing Takahiro Hashimoto, declare and state as
 follows:

I am manager of the Research and Development Division of
 Nissin Unyu Kogyo Co., Ltd., assignee in the above-identified
 application;

In completing the PCT filing of this case, the incorrect
 translated name (Japanese to English) "Sunao Aiura" for the
 inventor Mr. Aiura instead of the correct translated name "Tadashi

003 3475 0965

AKIMOTO & CO.

2002年 4月 5日 12時20分

臨時 4)

02/04/05 13:58 P.006/006
NO. 4982 P. 5

Application No. 09/341,339

Filed: August 30, 1999

Group Art Unit:

Aiura" was given to Akimoto & Co., agent for the applicant Nissin Unyu Kogyo Co., Ltd., when the PCT Application was filed. The PCT Application was filed with the translated English letters of "Sunao Aiura" rather than the correct English form of "Tadashi Aiura".

Tadashi Aiura did not discover the mis-translation until the PCT Application entered the U.S. national phase and he signed the U.S. declaration and assignment.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Nissin Unyu Kogyo Co., Ltd.

By:

Takahiro Hashimoto
Takahiro Hashimoto

Manager, Research & Development

Date: APR. 5. 2002

CLG:mez/223659

Applicant: Tadashi Aiura et al.
 Title: METHOD AND APPARATUS FOR POLISHING INNER. Filed: 8/30/99
 Serial No. 09/341,339 Patent No. _____ Docket No. AK-284XX

Enclosed is the Following:

Petition to Revive Unintentionally Abandoned Application Under 37 C.F.R. Sec. 1.137(b), Exhibit A, Check for \$1,280.00; Declaration of Bette J. Bernard, Exhibit A; Declaration of Constance C. Gagnebin; Declaration of Mary Ellen Shea, Exhibit A and B; Declaration of Tadashi Aiura and Declaration of Takahiro Hashimoto.



Date: 4/12/2002 Initials: CLG:mes

Applicant: Tadashi Aiura et al.
 Title: METHOD AND APPARATUS FOR POLISHING INNER. Filed: 8-30-99
 Application No. 09/341,339 Patent No. _____ Docket No. AK-284XX

Enclosed is the Following:

- | | |
|---|--|
| <ul style="list-style-type: none"> <input type="checkbox"/> Transmittal Letter in triplicate, Check(s) for _____; <input type="checkbox"/> Application including Pgs. _____ of Spec., _____ of claims and pg _____ of Abstract <input type="checkbox"/> Declaration and Power of Attorney, Check(s) for _____; <input type="checkbox"/> Informal / Formal Drawings, _____ Sheets of Figs. _____; <input type="checkbox"/> Letter to Chief Draftsman; <input type="checkbox"/> Amend./Resp. dated _____, Check(s) for _____; <input type="checkbox"/> Information Disclosure Statement, Form 1449, _____ refs., Check for _____; <input type="checkbox"/> Assignment; Check for _____; <input type="checkbox"/> Issue Fee; PTO Form 85B&C; Check for _____; | <ul style="list-style-type: none"> <input type="checkbox"/> Certificate/Letter of Correction, Cover letter & check for _____; <input type="checkbox"/> Notice of Appeal (In Triplicate), Check for _____; <input type="checkbox"/> Petition for Extension of Time for _____ Months, Check for _____; <input type="checkbox"/> Verified Statement Claiming Small Entity Status <input type="checkbox"/> Certificate of Mailing by Express Mail <input checked="" type="checkbox"/> Other <u>Supplement to Petition to Revive Unintentionally Abandoned Application, Terminal Disclaimer</u> |
|---|--|
- Date Mailed: 4-22-02
 Date Due: _____
 Initials: CLG-mes
 Express Mail Receipt No. _____

